IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 995 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02/04/2004 in WP NO : 17345 OF 1998 on the file of the High Court.)

Between:

Nizam Sugar Factory Limited, Sugar Machinery Division, Nagarjunasagar, Vijayapuri North Post, Nalgonda District, Rep. by its General Manager (Finance).

..... APPELLANT

AND

1 R. Ravinder, S/o Ramaswamy, Ex-Mazdoor
Nizam Sugar Factory Limited, H.No. E/113, Pylon Colony, Vijayapuri North (Post), Nagarjunasagar, Nalgonda District.
2 The Presiding Officer, Labour Court-III, Hyderabad

.....RESPONDENTS

Counsel for the Appellant:MR.N.VASUDEVA REDDY

Counsel for the Respondent No.: GP FOR LABOUR

The Court made the following :

O R D E R :

Heard learned Counsel for the parties. With their consent, this writ appeal is disposed of at this stage.

1st respondent is the writ petitioner in W.P.No.17435 of 1998. His services were dispensed with, with effect from 20.05.1982. He initiated some proceedings but withdrew from the proceedings and kept silent and in fact, raised an industrial dispute only in the year 1993. A reference was made to the Labour Court, which was disposed of by an award in I.D.No.638 of 1993, on 29-06-1996. The Labour Court set aside the order of termination and directed the appellant to reinstate the 1st respondent into service with continuity of service with all attendant benefits. The Labour Court, however, applying the principle of "no work no pay " did not order back wages. Therefore, he filed writ petition
No. 17435 of 1998. The learned single Judge came to the conclusion that the principle of "no work no pay" would not apply to the facts of the present case and ordered back wages except for the period from 1983 to 1993. The learned single Judge also found that it would be unreasonable to ask the 1st respondent to go back to the Tribunal and direct the Tribunal to make an award on the entitlement of the 1st respondent for back wages. Since the 1st respondent himself had not taken any steps to challenge the order of termination from 1983 to 1993, the back wages for that period were denied by the learned single Judge.

Therefore, in our view, full back wages could not have been given to the 1st respondent and it was a matter which had to be gone into as to whether 1st respondent was gainfully employed during this period. However, learned counsel for 1st respondent has submitted that his client would be satisfied even if he was given 50% of the back wages as final settlement of the dispute. We agree with the order of the learned single Judge that it will be harsh to direct the 1st respondent to go back to the Labour Court. It would take another decade. The 1st respondent had been terminated in the year 1982, and for 22 years, the matter has been pending in the Courts.

Therefore, in the interest of justice, we order that 50% of back wages would be paid to the 1st respondent for relevant period. Accordingly, the order of the learned single Judge is modified. The appellant shall comply with the order of this

Court within a period of four weeks from the date of receipt of this order.

The Writ Appeal is disposed of. No costs.

(BILAL NAZKI, J)

20.7.2004.

mjl/* (S.ANANDA REDDY, J)

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1. 2 CCs to G.P.for Labour, High Court of A.P.Hyderabad.
2. 2 CD copies.
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